



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/087,455 | 03/01/2002 | Jonathan Sherman | FG-17 | 6668 |
| 23836 | 7590 | 01/14/2004 | EXAMINER | |
| EDWARD DREYFUS, ESQ. 608 SHERWOOD PKWY MOUNTAINSIDE, NJ 07092 | | | WOOD, KEVIN S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2874 | |

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,455

Applicant(s)

SHERMAN ET AL.

Examiner

Kevin S Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,9,11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,9,11,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 13-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is responsive to the applicant's amendment filed on 21 October 2003. Claims 6, 7, 9, 11, 13, and 15-18 are amended. Claims 1-5, 8, 10 and 12 are cancelled. New claims 19-21 are added. Claims 6, 7, 9, 11, and 13-21 are now pending in the application.
2. Based on the applicant's amendment filed on 21 October 2003, the previous objections to the drawings are withdrawn.

Response to Arguments

3. Applicant's arguments filed 21 October 2003 with respect to claims 6, 7, 9, 11, 19, and 20 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed the applicant's arguments but firmly believes the cited references to reasonably and properly meet the claimed limitations.

The applicant's primary argument is that Basavanhally reference nor Bonja reference teach a front mask having a flexible arm substantially longer than the diameter of the fiber to be seated within the opening and the arm having a distal end that contacts the fiber for pressing it against the side wall. The examiner respectfully disagrees with this argument. The Bonja reference clearly discloses a flexible arm that would be longer than the diameter of the optical fiber, where the fiber would be contacted along the distal end of the flexible arm. See Fig. 1 and Fig. 7 of the reference. The arm is shown to be almost as long as each of the side of a triangular

Art Unit: 2874

opening in the mask. It is clear that any fiber that had a diameter greater than the length of the flexible arm (14) would not fit properly in the opening (12). It is also clear that some portion of the distal end of the arm would contact the optical fiber when the fiber is properly inserted into the opening.

4. Applicant's arguments, filed 21 October 2003, with respect to claims 13-18 and 21 have been fully considered and are persuasive. The rejections or objections of claims 13-18 been withdrawn.

Drawings

5. New corrected drawings are required in this application because of the informalities pointed out in the Notice of Draftsperson's Drawing Review attached to this action. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as

Art Unit: 2874

“amended.” If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor’s name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as “Annotated Marked-up Drawings” and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the “Notice of Allowability.” Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by the openings and the arms having an axial thickness. Along what axis is this thickness measured?

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 6, 7, 9, 11, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0197047 to Basavanhally et al. in view of U.S. Patent Application Publication No. 2002/0172490 to Bonja.

Referring to claim 6 and 19, Basavanhally et al. discloses all the limitations of the claimed invention, except Basavanhally et al. does not appear to disclose the means comprises at least one movable arm defined by the front mask. Bonja discloses a fiber positioning device that is very similar to the device of Basavanhally et al. Bonja discloses that the plates include a flexible arm (14) adjacent to the openings for the

Art Unit: 2874

purpose of assisting the positioning and alignment of the optical fibers within the openings of the plates. Since Basavanhally et al. and Bonja are both from the same field of endeavor, the purpose of Bonja would have been recognized in the pertinent art of Basavanhally et al. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include flexible arms within the openings of the fiber aligning plate for the purpose of assisting the alignment and positioning of the optical fibers within the openings. See Figure 7 of the Bonja reference.

Referring to claim 7, Basavanhally et al. in view of Bonja discloses all the limitations of the claimed invention. Bonja clearly discloses that more than one flexible arm (38) may be used in each opening of the alignment plates. See Fig. 8A of the Bonja reference.

Referring to claim 9, Basavanhally et al. in view of Bonja discloses all the limitations of the claimed invention. Bonja clearly discloses that flexible arm(s) moves laterally away from the other side walls when of the fiber are inserted through the opening. See Fig. 8A of the Bonja reference.

Referring to claims 11, Basavanhally et al. in view of Bonja discloses all the limitations of the claimed invention. Bonja clearly discloses three side walls and multiple flexible arms, where two side walls intersect each other and the fiber outer surface contacts each of the distal end of the flexible arm. See Fig. 7 and 8B of the Bonja reference.

Referring to claims 20, Basavanhally et al. in view of Bonja discloses all the limitations of the claimed invention. Basavanhally discloses the use of epoxy or glue to

Art Unit: 2874

secure the fibers to the masks once they are aligned. It would have been obvious to one having ordinary skill in the art to use a bonding material within the openings to secure the fibers to the side wall(s) once the fibers were properly aligned, for the purpose of ensuring that the fibers remain properly aligned.

Allowable Subject Matter

11. Claims 13-18 and 21 are allowed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,640,042 to Araki et al.

This reference discloses a device that is similar to that of the claimed invention. Araki et al. discloses a flexible member (45) for holding sheathed optical fibers within the openings in a body (31) by pressing the optical fibers against one or more of the walls of the openings. This reference does not disclose that the fibers are unsheathed.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2874

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW

A handwritten signature in black ink, appearing to read "Brian Healy".

Brian Healy
Primary Examiner